

Nov 30 2005

CLARENCE MADDOX
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO. 05-22285-CIV-GOLD

GUSTAVO A. MORALES

Plaintiff,

v.

CITIGROUP f/k/a THE NATIONAL CITY
BANK OF NEW YORK,

Defendant.

**AGREED MOTION FOR ENLARGEMENT OF TIME
TO RESPOND TO THE AMENDED COMPLAINT**

Defendant, Citigroup, Inc. ("Citigroup"), moves for an enlargement of time up through and including January 5, 2006, to respond to Plaintiff's Amended Complaint and in support thereof states as follows:

1. Citigroup was purportedly served¹ with the Amended Complaint in this action on October 13, 2005.
2. On November 4, 2005, this Court entered an Order granting Citigroup an initial enlargement of time, up through and including December 1, 2005, to respond to the Complaint based on the parties' desire to explore the possibility of an amicable resolution.

¹ Citigroup does not necessarily anticipate there being an issue with regard to service in this case, but has not completed its investigation and therefore does not waive any objections to service at this time.

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3. To date, the parties have engaged in preliminary discussions. However, the parties have been unable to make a final determination regarding the possibility of resolving the matter because of scheduling difficulties resulting, in part, from on-going work disruptions due to Hurricane Wilma.
4. Citigroup therefore requests one additional enlargement of time to answer the Amended Complaint, in order for the parties to conclude their discussions.
5. This motion is not interposed for the purpose of delay, but to ensure that Citigroup has adequate time to formulate its response to the Amended Complaint in the event that the matter is not amicably resolved.
6. Plaintiff will not be prejudiced by this Court granting an additional enlargement of time to respond to the Amended Complaint, and has agreed to the relief requested in this motion.

WHEREFORE, Defendant Citigroup respectfully requests entry of an Order enlarging the time to respond to the Complaint, up until and including January 5, 2006.

CERTIFICATE OF COUNSEL

Undersigned counsel contacted counsel for the Plaintiff who indicated that he does not have any objection to the relief sought in the present motion.

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Dated: November 30, 2005.

Respectfully submitted,

/s/ Elena M. Marlow
**ASTIGARRAGA DAVIS MULLINS &
GROSSMAN, P.A.**
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to **Omar
Ortega, Esq., Dorta & Ortega, P.A.**, 2222 Ponce de Leon Blvd., Suite 306, Coral Gables, FL
33134 this 30th day of November 2005.

/s/ Elena M. Marlow
Elena M. Marlow

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 05-22285-CIV-GOLD

GUSTAVO A. MORALES,

Plaintiff,

v.

CITIGROUP f/k/a THE NATIONAL CITY
BANK OF NEW YORK,

Defendant.

**ORDER GRANTING CITIGROUP'S AGREED MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO THE AMENDED COMPLAINT**

THIS CAUSE came before the Court upon Citigroup's Agreed Motion for Enlargement of Time to Respond to the Amended Complaint. The Court having considered the Motion, and otherwise being fully advised in the premises, it is hereby ORDERED AND ADJUDGED that:

1. Citigroup's Motion for Enlargement of Time to Respond to the Amended Complaint is GRANTED.
2. Citigroup shall have up through and including January 5, 2006 to respond to the Amended Complaint.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida this
____ day of December, 2005.

ALAN S. GOLD
United States District Judge
Southern District of Florida

Copies furnished to:
José I. Astigarraga, Esq.
Omar Ortega, Esq.

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